Crl. Misc.No.48251-M of 2006

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Machhi Singh Vs. State of Punjab

Present : Mr.S.P.S.Sidhu, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab .
Mr. M.S. Rai, Advocate for the complainant.

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Prayer in this petition is for grant of regular bail in case FIR No.35 dated 2.2.2006, registered under Sections 307,148,149 IPC and Sections 25/27 of the Arms Act at Police Station Sadar Fazilka, Distt.Ferozepur.

Counsel for the petitioner contends that the petitioner has been behind bars since 16.2.2006, though wrongly mentioned in the petition as 15.5.2006. It is contended that as charges have been framed and the trial is in progress, the petitioner be released on bail. It is further argued that though the petitioner allegedly fired a gun shot, the other party has also been proceeded against for inflicting injuries to the petitioner's son.

Counsel for the State of Punjab states that as the petitioner fired a gun shot, which led to an injury to Rajpal, the petitioner should be denied bail. It is, however, not denied that the injured has not suffered any disability, permanent or otherwise and is now leading a normal life.

I have heard learned counsel for the parties and perused the paper book.

An altercation between two sets of parties led to the incident, which led to the registration of the present FIR, as also a cross case against the complainant. The petitioner has been behind bars since 16.2.2006. The challan has been presented, charges have been framed and the trial is in

progress. The prosecution has cited 14 witnesses and therefore, the trial is likely to be protracted. The injured has recovered from his injuries and has not suffered any disability, permanent or otherwise.

Counsel for the State of Punjab has not expressed any apprehension that if released on bail, the petitioner would subvert the trial and/or try to win over the witnesses.

Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ferozepur.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

7.11.2006 (RAJIVE BHALLA)
GS JUDGE